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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 GARY DALE HINES,
12 Petitioner,
13 v.
14 RONALD DAVIS,
15 Respondent.
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No. 2:98-cv-0784-TLN-EFB DP

DEATH PENALTY CASE

ORDER

17 Petitioner is a state death-row prisoner seeking a writ of habeas corpus under 28 U.S.C.
18 § 2254. He requests to file certain documents under seal. ECF No. 355.

19 Local Rule 141 governs requests to seal documents. E.D. Cal. L.R. 141. That rule
20 provides that documents may be sealed by order of the court upon the showing required by law.
21 L.R. 141(a). It requires the party making the request to “set forth the statutory or other authority
22 for sealing, the requested duration, the identity, by name or category, of persons to be permitted
23 access to the other documents, and all other relevant information.” L.R. 141(b).

24 The “showing required by law” referred to by Rule 141 is a high one. The court operates
25 under a strong presumption in favor of access to court records. *Ctr. for Auto Safety v. Chrysler*
26 *Group, LLC*, 809 F.3d 1092, 1096 (2016). Accordingly, a party seeking to file something under
27 seal must present “compelling reasons” supporting the request. *Id.* The compelling reasons
28 standard requires the court to: (1) find a compelling reason supporting sealing the record and (2)

1 articulate the factual basis for doing so, without relying on hypothesis or conjecture. *Id.* at 1096-
2 97. The court must conscientiously balance the competing interests of the public and the party
3 who wishes to keep the documents private. *Id.* at 1097. “What constitutes a ‘compelling reason’
4 is ‘best left to the sound discretion of the trial court.’” *Id.* (quoting *Nixon v. Warner Commc’ns,*
5 *Inc.*, 435 U.S. 589, 599 (1978)). Some examples, however, are: (1) records that could be used to
6 gratify private spite or promote public scandal; (2) records containing libelous statements; and (3)
7 records that contain business information that could be used to harm a litigant’s competitive
8 standing. *Id.*


9 Petitioner seeks to file under seal 35 pages consisting of a funding request for expert
10 assistance under 18 U.S.C. § 3006A(e) and 18 U.S.C. § 3559(f). Petitioner argues that the
11 documents should be sealed because § 3006A authorize that funding requests may be made *ex*
12 *parte* and § 3599(f) provides that “[n]o ex parte proceeding, communication, or request may be
13 considered pursuant to this section unless a proper showing is made concerning the need for
14 confidentiality.” Petitioner states that the funding request relies on attorney-client
15 communications that are privileged and attorney work-product that is confidential. Respondent
16 does not oppose the request to seal.

17 The court finds that petitioner has shown compelling reasons to seal the documents, and
18 his April 17, 2019 request to seal documents is therefore GRANTED. Petitioner’s counsel shall
19 follow the procedure provided by Eastern District of California Local Rule 141(i) to submit the
20 documents to the Clerk. The Clerk shall then file the documents under seal, accessible only to the
21 court and petitioner’s counsel.

22 The court’s order regarding the request for funding is filed under seal concurrently with
23 this order.

24 So ordered.

25 DATED: May 30, 2019.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE